



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D.M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2206418  
**Applicant Name:** Mark Kramm  
**Address of Proposal:** 1372 33rd Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two (2) parcels of land in an environmentally critical area. The proposed parcel sizes are approximately:

- Parcel A 4,200 square feet;
- Parcel B: 4,200 square feet;

The following approval is required:

Short Subdivision: To divide one parcel into two parcels (SMC Chapter 23.24).

SEPA: Environmental Critical Area (SMC Chapter 25.09.080) – Landslide-prone

**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ EIS  
  
   ☐ DNS with conditions  
  
   ☐ DNS involving non-exempt grading or demolition  
   or involving another agency with jurisdiction

**BACKGROUND DATA**

Site and Area Description

The site is located at 1372 33rd Avenue South on half block west of Lake Washington Boulevard South. There is an existing house which is slated to be demolished. The property is above the Interstate 90 bridges and there are views of Lake Washington to the east, north and south. The property is rectangular and measures roughly 120 feet long by 70 feet wide. The topography of

the lot is a continuous slope down to the east. There are a few trees on the site at the base of the lot near the property line. The proposed parcels are in a Single Family 5000 (SF 5000) zone. Surrounding uses are single family homes.

### Proposal Description

Master Use Permit to subdivide one parcel into two (2) parcels of land within an environmentally critical area. The proposed parcel sizes are approximately:

- Parcel A        4,200 square feet;
- Parcel B:       4,200 square feet;

### Public Comments

No comment letters were received during the official public comment period which ended January 2, 2003.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.40, no short plat shall be approved unless all of the following conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Whether the proposal is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from DCLU, Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review of the proposal by the Land Use Planner, the following findings are made with respect to the above cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Single Family 5000. As such, future development of individual lots must comply with the development and use requirements of SMC Chapter 23.44. The Land Use Code, SMC 23.44.010B1b provides an exception to the Single Family minimum lot area requirement, for a lot with at least 75% of the minimum required lot area and at least 80% of the mean area of the lots on the same block face. The proposed parcels meet these provisions,

provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

DCLU has circulated this proposed Short Subdivision to city agencies with jurisdiction for review of utilities, access, and fire protection. The proposed parcels have frontage on 33rd Avenue South and will have vehicle and pedestrian access directly from there.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with city drainage, domestic water, and sanitary sewer by the City of Seattle. The project has received Water Availability Certificate number 2002-1293. Therefore, the proposed subdivision provides adequate provisions for drainage, water supply, and sanitary sewer disposal.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The purpose of the Single Family Policies are to preserve and maintain the physical character of each classification of residential area in a way that encourages rehabilitation and provides housing opportunities throughout the city. The proposed short subdivision will meet all applicable Land Use Code provisions, has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site contains identified Landslide-prone Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The ECA general, submittal, and Landslide-prone Development Standards and other related development standards are applicable. This shall be noted on the final plat. Short subdivisions in Environmentally Critical Areas must meet requirements of SMC 25.09.240 (A-E). This application meets the requirements.

6. *Whether the proposal is designed to maximize the retention of existing trees;*

Pursuant to SMC 23.44.008 (I), trees shall be required when single-family dwelling units are constructed. The minimum number of caliper inches of trees required per lot may be met through either tree preservation or planting, or a combination of preservation and planting. This requirement may be met by planting or preserving trees in the public right-of-way adjacent to the subject lot. For lots over 3,000 square feet, at least two (2) caliper inches of existing tree per 1,000 square feet of lot area must be preserved or planted consistent with the requirements for tree measurement provided in SMC 23.44.008.2. When the preservation option is selected, a Tree Preservation Plan must be prepared.

Parcel A has a 30" maple that must be retained, Parcel B has a 14" Cedar tree and another 12" tree that should be retained to meet requirements. Building sites are planned to be located away from the maximum number of existing trees. Access has been planned to preserve existing trees. Therefore, the proposed subdivision provides adequate provisions to maximize the preservation of existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot Subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

These provisions are not applicable for this short plat because it is not a Unit Lot Subdivision.

### **SUMMARY - SHORT SUBDIVISION**

The lots to be created by this Short Plat, as conditioned, will meet all standards of the Single Family 5000 zones set forth in the Land Use Code, and are consistent with applicable Single Family and Multi Family policy guidelines. This short subdivision can be provided with vehicular access, and public and private utilities and access for emergency vehicles. Adequate provisions for water supply, drainage control, and sanitary sewage disposal have been provided for each parcel and service is assured, subject to standard conditions governing utility extensions. Therefore, the short subdivision meets all applicable provisions of Section 23.24.040 for Short Plats.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

### **ANALYSIS- SEPA**

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist dated December 25, 2002, which was submitted by the applicant and annotated by the reviewer. The information provided in the Environmental Checklist, the plans submitted by the applicant, and the experience of the lead agency with the review of similar projects are the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665(D)) states, "*Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under such limitations, mitigations may be considered.

### Long Term Impacts

Long term or use-related impacts are anticipated as a result of the proposal. The anticipated long-term impacts will be possible water runoff effect from new impervious surfaces, soil disturbance due to new construction. These impacts are not considered significant. Adopted City codes and/or ordinances provide mitigation for the identified impacts. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of these long-term impacts and no further conditioning is warranted by SEPA policies.

### Water

Proposed parcels will have increased impervious surface from access driveways and the area of the structure. The water runoff from these sources will be tight lined into the City storm drainage system thereby avoiding impacts on the land. The Land Use Code provides extensive conditioning authority to mitigate the impacts of storm water from development on surrounding areas, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Plants

Prior to issuance of the Master Use Permit, the proposal will be required to be consistent with all applicable provisions of the Land Use Code relating to tree preservation and/or, replacement. The Land Use Code provides extensive conditioning authority to mitigate the impacts of development on tree preservation; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Soil

Property development and redevelopment sometimes contributes to landslides, accelerated soil creep, settlement or subsidence. The Grading and Drainage Control Ordinance was specifically developed to prevent or minimize impacts resulting from earth fills and excavations. The geotechnical report submitted with this proposal states that there are not obvious indications of past slope stability in the form of surficial features, nor signs of soil movement within the exploration pits. The site and vicinity does not have a history of landslide occurrence. Based upon the low angle of the slope, competence of the natural soils, and lack of ground water springs or seepage on the slope the existing slope has a low risk for soil movement.

## **DECISION - SEPA**

This decision is made after review by the responsible official on behalf of the lead agency, in addition to a completed environmental checklist and other information on file with DCLU. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(c).

- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

**CONDITIONS – SEPA**

None.

**CONDITIONS - SHORT SUBDIVISION**

*Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. A joint use and maintenance agreement for any and all easements must be provided with the final recording documents, if necessary.
4. Include the required easements (if any) for electrical service and sewer access on the face of the plat.

Signature: (signature on file) Date: March 3, 2003  
Holly J. Godard  
Land Use Planner  
Department of Design, Construction and Land Use